

United States Senate

WASHINGTON, DC 20510-1804

November 21, 2006

VIA U.S. Mail & Telecopier 202-646-3600

Mr. R. David Paulison
Director
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C Street, S.W.
Washington, DC 20472

Re: Landrieu Project No. 116406

Always refer to the Landrieu Project No. when communicating with this office.

Dear Mr. Paulison:

Last week, an official from the Federal Emergency Management Agency (FEMA) notified some public school authorities in south Louisiana that the agency is denying their requests for relocation funding for schools that were significantly flooded during the devastating hurricanes that hit Louisiana in 2005. Moreover, this FEMA official explained that the denial will substantially reduce the amount of public assistance provided to these school systems despite their extended reliance on relocation assurances from FEMA officials. Because this imprudent denial will cause tremendous harm to the affected school systems and their students as well as further erode confidence in FEMA, I respectfully request that you immediately address this situation.

Although FEMA's denials apply to multiple school systems, I am most familiar with the Peebles Elementary School in Iberia Parish because of my visit to the school and agency communication with my staff. In August, an official with the Federal Coordinator for Gulf Coast Rebuilding sent my staff repeated email messages stating that "the [Peebles] school was approved for relocation in late July." Likewise, FEMA gave similar assurances to the local school authorities. Nevertheless, FEMA's apparent reversal and denial is now based on its determination that the flooded school facility fails to satisfy the regulation that it "be subject to repetitive heavy damage" because heavy damage cannot be documented before the 2005 flooding. Such an arbitrary conclusion is wrong for the following reasons:

(1) FEMA's current interpretation ignores the regulation's plain language which does not require "repetitive heavy damage" but rather that the facility "be subject to repetitive heavy damage." (emphasis added). Clearly, the school facility is "subject to repetitive heavy damage" otherwise FEMA would not have classified its site as a flood plain.

(2) FEMA's current interpretation encourages the school systems to repair the existing schools that are in flood plains and thereby subjects the taxpayers to another FEMA

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payout before relocation will be approved. Such an approach wastes tax dollars and is counter to FEMA's mitigation mission.

(3) FEMA's current denial is not mandated by law but rather is a discretionary determination. Because FEMA misled the local authorities who detrimentally relied on its initial statements, FEMA should execute its discretion mindful of fairness principles as well as the effect its apparent reversal has on its reputation and the resulting impact on its ability to discharge its mission.

As a designated member of the Senate Committee on Homeland Security and Governmental Affairs for the upcoming 110th Congress, I am extremely concerned about FEMA's gross mishandling of the Peebles Elementary School in Iberia Parish as well as any other affected school systems. Accordingly, I encourage you to take swift and decisive action on this matter so that further damage is averted and the innocent school children will have a safe permanent place to get an education.

In closing, I look forward to your most immediate response.

With kindest regards, I am

Sincerely,


Mary L. Landrieu
United States Senator

cc: The Honorable Donald E. Powell, Federal Coordinator for Gulf Coast Rebuilding
Ms. Sheila M. Greenwood, Office of the Federal Coordinator for Gulf Coast Rebuilding
Mr. Sonny Baudry, Superintendent of the Iberia Parish School Board